

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

FILED

JUN 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

CRIMINAL COMPLAINT

LUIGI FULVIO PALMARES AGUILAR

CASE NUMBER: 3 08 70358

BZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 15, 2008 in San Mateo County, in the Northern District of California defendant did,

OFFENSE: LUIGI FULVIO PALMARES AGUILAR, did knowingly transport and ship in foreign commerce by any means, a visual depiction that involves the use of a minor engaging in sexually explicit conduct, and such depiction is of such conduct, in violation of Title 18 United States Code, Section(s) 2252(a)(1).

I further state that I am a Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES:

Imprisonment for not more than 40 years and not less than 15 years;
A fine of not more than \$250,000.00;
A \$100.00 dollar special assessment; and
Lifetime supervised release.

APPROVED AS TO FORM:



ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**



Signature of Complainant

Sworn to before me and subscribed in my presence,

16 June 08
Date

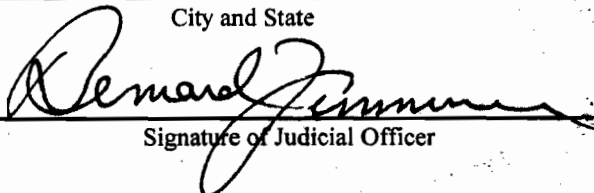
at

San Francisco, California

City and State

Honorable Bernard Zimmerman
United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
) ss, AFFIDAVIT
CITY AND COUNTY OF SAN FRANCISCO)

I, Ryan A. Hirt, Special Agent, U.S. Immigration and Customs Enforcement, being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against LUIGI FULVIO PALMARES AGUILAR for violating 18 U.S.C. § 2252(a)(1). The facts set forth in this affidavit are known to me as a result of my participation in this investigation, from reports made to me by other law enforcement officers, and from records, documents, and other evidence obtained during this investigation. Since this affidavit is being submitted for the limited purpose of outlining the offensive conduct of AGUILAR, I have not included each and every fact known to me concerning this investigation. I have only set forth the facts I believe are necessary to establish probable cause that a violation of federal law has occurred.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I am a Special Agent (SA) with U.S. Immigration and Customs Enforcement (ICE), assigned to the office of the Resident Agent in Charge, San Francisco International Airport (SFO), and have been employed by ICE since April of 2006. Before working at ICE, I was a United States Customs and Border Protection (CBP) Officer at SFO for four years. I was also employed as a police officer with the Nashua Police Department in New Hampshire for approximately four years. I hold a Bachelor's degree in Criminal Justice from Northeastern University in Boston, Massachusetts. I have completed Basic Police Training in New Hampshire and ICE Special Agent Training and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Brunswick, Georgia.

3. I am responsible for enforcing federal criminal statutes including the sexual exploitation of children in violation of 18 U.S.C. § 2251 *et seq.* I have received training and actual experience relating to federal criminal procedures, federal statutes and U.S. Immigration and Customs Regulations. This includes training in investigative techniques and violations of Title 18 of the U.S. Code, including 18 U.S.C. §§ 2252(a)(1) and 2252(a)(4) involving the transportation and possession of child pornography. As a Special Agent with ICE, I have conducted multiple child pornography investigations, including cases involving possession, transportation, and receipt of child pornography. I have written affidavits for and participated in the applications for and executions of multiple search warrants. During the course of these investigations, I have reviewed thousands of images containing child pornography in a variety of formats (such as digital still images and video images) and media (such as floppy diskettes, videotapes, magazines, and printed images). I have also consulted with other federal agents,

including ICE agents at SFO who have written affidavits for or participated in the application for and executions of hundreds of search warrants over the course of their careers.

4. As a Special Agent of ICE, I am authorized to investigate violations of laws of the United States, and I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the United States.

III. APPLICABLE LAW

5. Title 18 U.S.C. § 2252(a)(1) states that any person who “knowingly transports or ships in interstate or foreign commerce by any means including by computer or mails, any visual depiction, if . . . the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and . . . such visual depiction is of such conduct” shall be punished as provided in 18 U.S.C. § 2252(b)(1).

IV. FACTS ESTABLISHING PROBABLE CAUSE

6. On June 15, 2008, at approximately 1930 hours AGUILAR arrived at SFO from Manila, Philippines aboard Philippine Airlines flight number 104. AGUILAR presented his passport, boarding pass, and airline tickets to CBP Officer Vanessa Golden and said he was returning from approximately two weeks in the Philippines. Officer Golden asked AGUILAR if he owned the black backpack and two red suitcases he was carrying. AGUILAR claimed that he owned all of the bags and all of the contents in them. During the inspection of AGUILAR’s black backpack, Officer Golden discovered a Dell laptop computer. Officer Golden asked AGUILAR if the laptop computer was his. AGUILAR responded that it was.

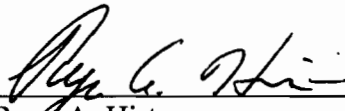
7. Officer Golden turned on the laptop and discovered a folder labeled, “Shareaza Downloads,” which contained approximately thirteen video clips. In the “thumbnail” view of these videos, Officer Golden saw what appeared to be images of naked children. These videos also had titles indicating that they contained child pornography, such as “12 year old and 8 year old Pedo-Real Kids Fucking-Creampie, Loads of Cum,” “Tara 8yr-fucking with daddy,” and “10yr black Cuban girl.”

8. CBPO Golden played one of the videos labeled, “KDR children in cinema PTHC 29.” This video depicted a Caucasian male child, approximately eight to ten years of age, putting his mouth on the anus of an adult male. In the video, the adult male is laying on his back. The child is on his knees between the adult male’s legs. The child then penetrates the adult male’s anus with his penis. The video is approximately five minutes long.

V. CONCLUSION

9. Based on the above facts and information, I submit that probable cause exists to believe that on June 15, 2008, in the Northern District of California, LUIGI FULVIO PALMARES AGUILAR did knowingly transport and ship in foreign commerce, by any means including computer, a visual depiction involving the use of a minor engaging in sexually explicit conduct, and such visual depiction is of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(1).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Ryan A. Hirt
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 16th day of June, 2008.



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California
San Francisco, California